

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 3/17/2025

CHIEF DISTRICT JUDGE

Amos L. Mazzant, III

COURT REPORTER: Chris Bickham

COURTROOM DEPUTY: Keary Conrad

Gibson Brands, Inc., a Delaware corporation	
v.	4:19CV358
Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC	
Does 1 through 10	

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Elizabeth Andujar IT: Keith Slyter	Jerry Selinger, Craig Depew, Kyrie Cameron, Austin Gray, Ron, Bienstock, Zack Klein IT: Mitch Mahon

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Jury Trial - Day 6
8:33 a.m.	Court in session. Court notes appearances.
8:35 a.m.	Court hears from Plaintiff counsel, Kurt Schuettinger regarding a new declaration received from defense counsel from a new person regarding the wayback machine and the declaration is not sufficient to authenticate the documents. Counsel further argues regarding expert Gruhn's testimony on Thursday and testimony provided in front of the jury and contingency fee from the expert.
8:43 a.m.	Court hears argument from Defendant's counsel, Craig Depew.
9:00 a.m.	Court hears from Defendant's counsel, Jerry Selinger regarding declaration from wayback machine custodian.
9:06 a.m.	Court hears response from Plaintiff's counsel, Schuettinger who argues the declaration is by an undisclosed witness that was revealed after Plaintiff rested case.
9:07 a.m.	Plaintiff's counsel request that the expert Gruhn be Excluded and testimony be stricken and instruction given that it was not involveing potential testimony in this case and no jury references should be drawn
9:10 a.m.	Court hears further from Counsel Sellinger regarding wayback machine declaration.

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9:20 a.m.	Court recess for review of cases.
9:30 a.m.	Court re-convened. As to the delcaration - it is not timely. Court will not allow. Expert can testify about documents but they will not be admitted.
9:33 a.m.	Court hears from Counsel Depew regarding wayback machine.
9:38 a.m.	Jury seated.
9:39 a.m.	Counsel Selinger calls by video deposition Dr. Eugene Ericksen. Counsel plays video.
9:44 a.m.	Counsel Selinger calls by video deposition Timothy Adrianon. Counsel plays video.
10:11 a.m.	Counsel Selinger calls Kenneth Haas by video deposition. Counsel notes that exhibits to be used are: Deposition exhibit 22 - to Defendant Exhibit 170 Deposition exhibit 23 - to Defendant Exhibit 171
10:19 a.m.	Counsel Selinger calls Chris Hussong by video deposition. Counsel notes that exhibits to be used are: Deposition exhibit 1 - to Plaintiff Exhibit 367
10:31 a.m.	Video concludes. Jury excused.
10:31 a.m.	Court hears from Defendant's counsel Depew regarding powerpoint presentation of George Gruhn. Court will provide paper copy to the Court.
10:33 a.m.	Court inquires regarding timing of Defendant's case.
10:	Court recess.
10:49 a.m.	Court re-convened. Jury seated.
10:50 a.m.	Defendant's counsel, Craig Depew calls George Gruhn. Witness placed under oath.
10:50 a.m.	Court reads instructions to the jury.
10:51 a.m.	Counsel Depew begins direct examination.
11:14 a.mn.	Counsel Depew tenders George Gruhn as an expert in old guitars and genericness. Plaintiff's counsel, Kurt Schuettinger objects to the witness being recognized as an expert in genericness but agrees with old guitars.
11:15 a.m.	Bench conference on Plaintiff's objection.
11:17 a.m.	Counsel Depew continues direct examination.
11:22 a.m.	Plaintiff's counsel, Kurt Schuettinger takes witness on voir dire.

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11:25 a.m.	Counsel Depew continues direct examination.
11:27 a.m.	Counsel Depew offers Defendant Exhibits 337, 3043, 1808. Counsel Depew offers as demonstrative only 0346.
11:29 a.m.	Counsel Depew offers Defendant Exhibits Counsel Depew offers 0415, 0338, 0383 as demonstrative only.
11:33 a.m.	Counsel Depew offers Defendant Exhibits 0386, 0457, 1703. No objection. Exhibits are admitted.
11:33 a.m.	Counsel Depew offers Defendant Exhibits 0597, 0518, 0393, 1172, 0459, 553, 0533, 1733. No objection. Exhibits are admitted. Counsel offers 0563, 0507, 1096 as demonstrative only.
	Counsel Depew offers Defendant Exhibits 0371, 0437, 0520, 0467, 1797, 0592. No objection. Exhibits are admitted. 1096, 0481, 0361, 0405, 0560, 0565 are offered as demonstrative only. Plaintiff renews 703 objection. Overruled. Exhibits admitted for demonstrative only.
11:35 a.m.	Counsel Depew offers Defendant Exhibits 0377, 0410, 0440, 0472, 0501, 0529, 1504, 0590, 0596. No objection. Exhibits are admitted.
	Counsel Depew offers Defendant Exhibits 2983, 2989, 3102, 3089, 3059, 3056. No objection. Exhibits are admitted.
11:39 a.m.	Counsel Depew offers Defendant Exhibits 0602, 0599, 0336A, 1808. No objection. Exhibits are admitted.
11:40 a.m.	Counsel Depew offers Defendant Exhibits 0441A, 0422A, PTX 0062, 0425, 1669. No objection. Exhibits are admitted.
11:41 a.m.	Counsel Depew offers Defendant Exhibits 0386, 0457, 1704. No objection. Exhibits are admitted.
11:42 a.m.	Counsel Depew offers Defendant Exhibits 0628, 0393, 1733, 0459, 0673. No objections. Exhibits are admitted. 0669B is offered as demonstrative.
11:46 a.m.	Counsel Depew offers Defendant Exhibits 0632, 0437, 0467, 0929, 0376, 1798. No objection. Exhibits are admitted. 0622, 0676, 0688, 0405, 0560 are offered as demonstrative only.
11:47 a.m.	Counsel Depew offers Defendant Exhibits 0704, 0687, 0679, 0664, 0706, 1505. No objection. Exhibits are admitted.

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	Counsel Depew offers Defendant Exhibits 2840, 2841, 2913, 2843, 2857, 2906. No objection. Exhibits are admitted.
11:49 a.m.	Counsel Depew offers Defendant Exhibits 0731, PTX 067. Object to 5010 is not on their exhibit list. Defendant withdraws request for 5010.
11:53 a.m.	Counsel Depew offers Defendant Exhibits 0834, 0628, 0459, 0533, 0457, 0768, 1171, 0631a. No objection. Exhibits are admitted. 0718 and 0827 are offered as demonstratives only.
11:54 a.m.	Exhibits 0857, 0728, 0742, 0779, 0788, 0808, 0825, 0839, 0844, 0850, 0855, 0865, 0868, 1342. No objection. Exhibits are admitted. 0828 is demonstrative only.
	Counsel Depew offers Defendant Exhibits 3115, 3121, 3160, 3116, 3117, 3140. No objection. Exhibits are admitted.
11:57 a.m.	Counsel Depew offers Defendant Exhibits 0894, 1016, 0894, PTX 071, 0971. No objection. Exhibits are admitted.
12:01 a.m.	Counsel Depew offers Defendant Exhibits 0971, 1157, 0628, 0921, 1069, 1062, 1113, 1093b, 1172, 1163a 0518. Plaintiff objects to 1113 and 1163a - those numbers are withdrawn and request for those to be demonstrative only. 1113 and 1163a, 1135, 1127, 1173, 1144, 1099, 1108, 0824 are offered as demonstrative only.
12:07 p.m.	Counsel Depew offers Defendant Exhibits 1368, 1369, 1370, 1373, 1375, 1376, 1377, 1381, 1342, 0931, 0904, 1379, 1192, 1383, 1384, 1361, 1362, 0109, 1365, 1366, 1367, 1360, 0889, 0956. Plaintiff objects to 1192. Defendant counsel withdraws request for 1192 and asks that it remain demonstrative. Counsel Depew offers demonstratives 1259, 1333 and 1192 are demonstratives only.
12:08 p.m.	Jury excused. Court recess for lunch.
1:16 p.m.	Court re-convened. Jury seated.
1:17 p.m.	Court advises that Gruhn has a medical issue and will take a break. Defendant counsel, Kyrie Cameron calls Josh Maloney (by read deposition). Counsel Cameron asks questions and Counsel Depew reads as Maloney.
1:22 p.m.	Counsel Cameron refers to Defendant Exhibit 2142
1:25 p.m.	Counsel Cameron refers to Defendant Exhibits 1509, 1498 and 1495.
1:33 p.m.	Counsel Cameron refers to Defendant Exhibit 2329.
1:35 p.m.	Counsel Cameron refers to Defendant Exhibit 3677.

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1:38 p.m.	Counsel Cameron refers to Defendant Exhibit 3692.
1:41 p.m.	Counsel Cameron refers to Defendant Exhibit 3684.
1:46 p.m.	Counsel Cameron refers to Defendant Exhibit 3785.
1:51 p.m.	Counsel Cameron calls Vincent Del Buono (by read deposition). Counsel Cameron asks questions and Counsel Austin Gray reads as Del Buono.
2:04 p.m.	Counsel Cameron refers to Plaintiff Exhibits 690, 691.
2:14 p.m.	Counsel Cameron refers to Plaintiff Exhibit 693.
	Counsel Cameron advises the following exhibits were used during the Del Buono deposition. PTX 690, 691, 693.
	Plaintiff's counsel, Kurt Schuettinger advises the following exhibits were used during the Del Buono deposition for Plaintiffs. PTX 581, 588.
	Counsel Cameron advises the following exhibits were used during the Maloney deposition: DTX 2142, 1509, 1495, 3963, 1498, 2329, 3677, 3692, 3684, 3785.
2:31 p.m.	Counsel Depew corrects a previous mistake of referencing DTX 0109 and should have been DTX 1364. Counsel Depew continues direct examination of George Gruhn.
2:37 p.m.	Counsel Depew offers DTX 3914, 3925. Plaintiff objects as not being on the exhibit list.
2:43 p.m.	Counsel Depew offers the remaining slides in Gruhn's report. Plaintiff's counsel, Schuettinger objects indicating that they have not been produced. Counsel Depew advises they are part of Gruhn's report. Counsel Depew offers as demonstrative exhibits the remaining slides of Gruhn's report as Defendant's Exhibit 5011 (demonstrative only)
2:59 p.m.	Bench conference - defendant.
3:04 p.m.	Jury excused. Court recess.
3:18 p.m.	Court re-convened. Jury seated.
3:19 p.m.	Plaintiff's counsel, Kurt Schuettinger continues cross examination.
3:22 p.m.	Plaintiff's counsel, Kurt Schuettinger refers witness Gruhn to Defendant's Exhibit 1492 and 664.
3:28 p.m.	Plaintiff's counsel, Kurt Schuettinger refers witness to Plaintiff Exhibit's 362.
4:11 p.m.	No further questions. No re-direct. Court polls the jury for questions of the witness.
4:14 p.m.	Witness excused.

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4:14 p.m.	Defendant's counsel, Craig Depew calls Patrick Schuleit. Witness placed under oath. Counsel Depew begins direct examination.
4:20 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3687.
4:46 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3784.
4:47 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3781.
4:48 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3782.
4:49 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3783.
4:50 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3790.
4:51 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant's Exhibit 3792.
4:53 p.m.	Pass the witness. Court bench conference.
4:57 p.m.	Jury excused.
4:58 p.m.	Court recess. Parties will re-convene in chambers for informal charge conference.
	<p>Plaintiff Exhibits: 367, 071, 690, 691, 693, 581, 588 Plaintiff Remaining: 8:32 Defendant Exhibits: 170, 171, 3043, 337, 1808, 553, 0386, 0457, 1703, 0597, 0518, 0393, 1172, 0459, 0533, 1733, 0371, 0437, 0520, 0467, 1797, 0592, 0377, 0410, 0440, 0472, 0501, 0529, 1504, 0590, 0596, 2983, 2989, 3102, 3089, 3059, 3056, 0441A, 1669, 0386, 0457, 1704, 0628, 0393, 1733, 0459, 0673, 0632, 0437, 0467, 0929, 0376, 1798, 0704, 0687, 0679, 0664, 0706, 1505, 2840, 2841, 2913, 2843, 2857, 2906, 0731, 0834, 0628, 0459, 0533, 0457, 0768, 1171, 0631a, 0857, 0728, 0742, 0779, 0788, 0808, 0825, 0839, 0844, 0850, 0855, 0865, 0868, 1342, 3115, 3121, 3160, 3116, 3117, 3140, 0894, 1157, 0628, 0921, 1069, 1062, 1093b, 1172, 0518, 1368, 1369, 1370, 1373, 1377, 1381, 1342, 1379, 1383, 1384, 1361, 1364, 1366, 1360, 0889, 0956, 2142, 1509, 1495, 1498, 2329, 3677, 3692, 3684, 3785, 3687, 3784, 3781, 3782, 3783, 3790, 3792 Defendant demonstrative only: 0346, 0415, 0338, 0383, 0563, 0507, 1096, 0481, 0361, 0405, 0560, 0565, 0669b, 0622, 0676, 0688, 0405, 0560, 0718, 0827, 0828, 1113, 1163a, 1135, 1127, 1173, 1144, 1099, 1108, 0824, 1259, 1333, 1192 Defendant Remaining: 9:17</p>

DAVID O'TOOLE, CLERK

BY: Keary Conrad
Courtroom Deputy Clerk